

X 353  
1 BILL NO. Z-88-07-15

2 ZONING MAP ORDINANCE NO. Z-16-88

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. R-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is  
8 hereby designated a M-1 (Light Industrial) District under  
9 the terms of Chapter 33 of the Code of the City of Fort  
10 Wayne, Indiana of 1974:

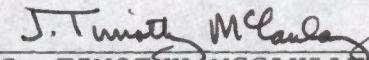
11 Lots #124, #125, and #126 in White's First Addition to  
12 the City of Fort Wayne, Indiana,

13 and the symbols of the City of Fort Wayne Zoning Map No. P-  
14 6, as established by Section 11 of Chapter 33 of the Code of  
15 the City of Fort Wayne, Indiana are hereby changed  
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force  
18 and effect from and after its passage and approval by the  
19 Mayor.

20   
21 Councilmember

22 APPROVED AS TO FORM AND LEGALITY:

23   
24 J. TIMOTHY McCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Read,  
seconded by Jones, and duly adopted, read the second time by  
title and referred to the Committee on Regulations (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day  
of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock A.M., E.S.T.

DATE: 7-12-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by Tilman, and duly adopted, placed on its  
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>8</u>	—	—	—	<u>1</u>
<u>BRADBURY</u>	<u>✓</u>	—	—	—	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>HENRY</u>	—	—	—	—	<u>✓</u>
<u>LONG</u>	<u>✓</u>	—	—	—	—
<u>REDD</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 10-11-88.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-16-88  
on the 11th day of October, 1988,

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
James Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 12th day of October, 1988,  
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of October,  
1988, at the hour of 11:45 o'clock A.M., E.S.T.

P. Helmke  
PAUL HELMKE, MAYOR

**RECEIPT**

No. 2783

COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND.

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

DOLLARS

100

AUTHORIZED SIGNATURE

Fifty

Pounds

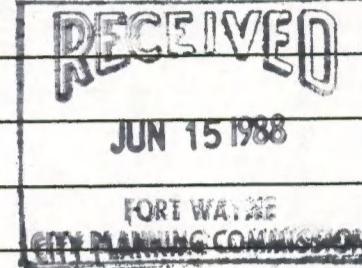
100

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED June , 1988

INTENDED USE warehousing

THIS IS TO BE FILED IN DUPLICATEI/We AALCO Distributing Company, Inc.  
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an M-1 District the property described as follows:Lots 124, 125 and 126 White's First Addition, Amended

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 904-08 Grant Avenue

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

AALCO Distributing Company, Inc. 909 Grant Ave., Ft. Wayne, IN By: Nan Collias  
46803 Nan Collias, President

Please Note: Record titleholder P.G. Elliot Warehouse &amp; Realty Corp. has been merged into AALCO Distributing Company, Inc.

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

A.W. Fruechtenicht  
(Name)321 Metro Bldg., Ft. Wayne, IN  
(Address & Zip Code) 46802422-8414

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning &amp; Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

ZOHRAB K. TAZIAN, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.

**zktazian**

**ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46802  
PHONES: 219/424-3232  
219/426-0003**

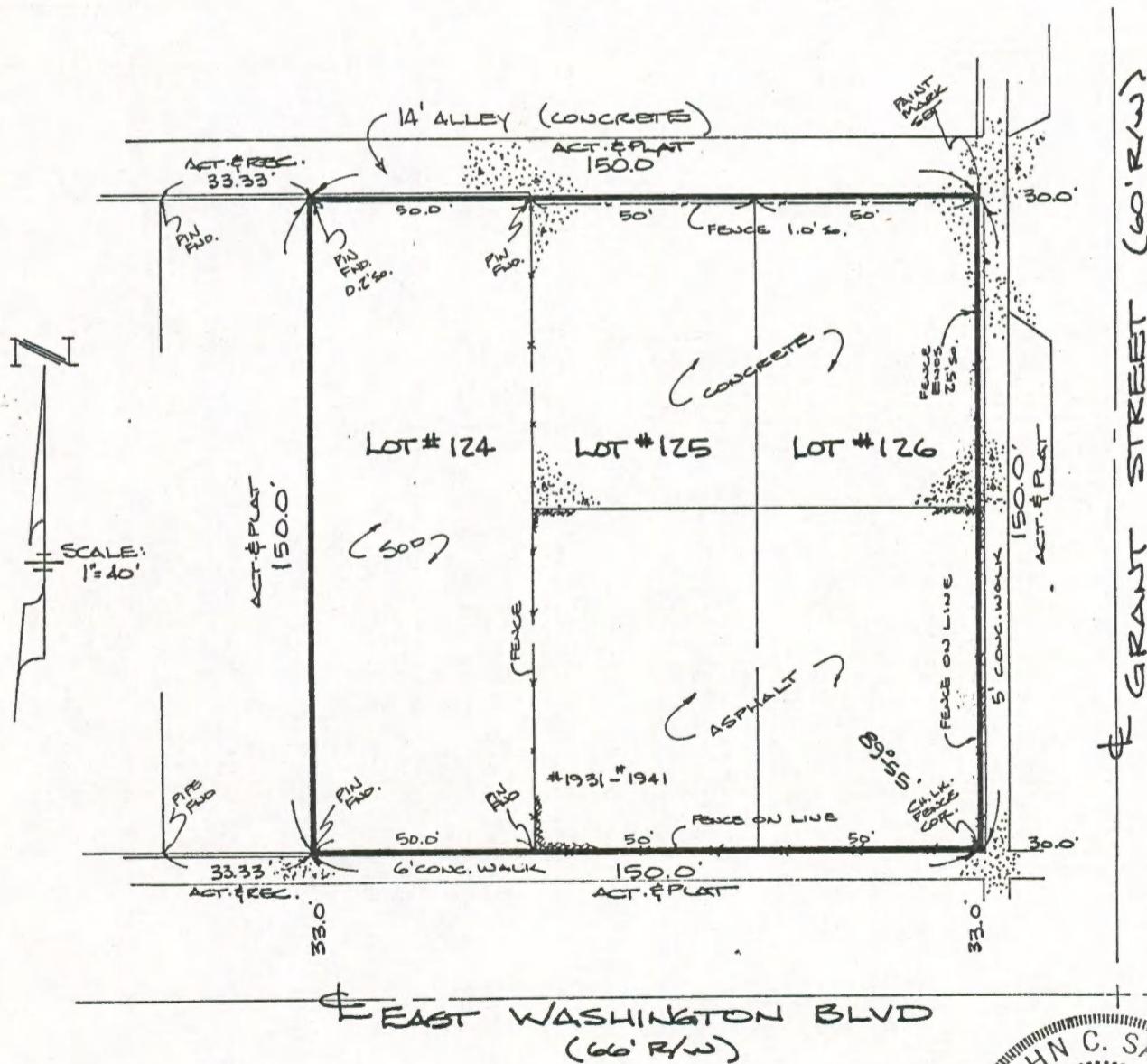


## **CERTIFICATE OF SURVEY**

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

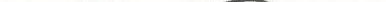
**DESCRIPTION OF REAL ESTATE** Lots #124, #125, and #126 in White's First Addition  
to the City of Fort Wayne, Indiana.

This property is in Zone C according to Flood Insurance Rate Map  
180003 0010 B, effective April 3, 1985.



I hereby certify on the 9th day of June, 88 that the above survey is correct.

**Surveyed for:** Elliott Warehouse & Realty  
**Survey No.:** PQ-145





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

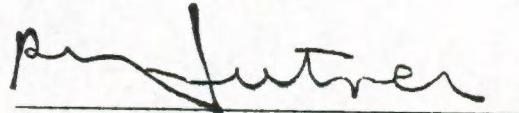
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this  
26th day of September 1988.

  
\_\_\_\_\_  
Robert Hutter  
Secretary

8353. ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

7-88-07-15

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 904-908 Grant Avenue

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi Family Residential.

Property will become M-1 - Light Industrial District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

**FACT SHEET**

Z-88-07-15

BILL NUMBER

**Division of Community  
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>																								
Zoning Ordinance Amendment From R-3 to M-1																										
<table border="1"> <thead> <tr> <th><b>DETAILS</b></th> <th><b>POSITIONS</b></th> <th><b>RECOMMENDATIONS</b></th> </tr> </thead> <tbody> <tr> <td> <b>Specific Location and/or Address</b>             904-908 Grant Avenue         </td> <td><b>Sponsor</b></td> <td>City Plan Commission</td> </tr> <tr> <td> <b>Reason for Project</b>             New Construction for a Warehouse         </td> <td><b>Area Affected</b></td> <td>           City Wide             Other Areas         </td> </tr> <tr> <td></td> <td><b>Applicants/ Proponents</b></td> <td>           Applicant(s)            AALCO Distributing Co., Inc.            City Department             Other         </td> </tr> <tr> <td> <b>Discussion (Including relationship to other Council actions)</b>   <u>18 July 1988 - Public Hearing</u>             (See Attached Minutes of Meeting)         </td> <td><b>Opponents</b></td> <td>           Groups or Individuals             Basis of Opposition         </td> </tr> <tr> <td>           Motion was made and seconded to return this ordinance to the Common Council with a DO PASS recommendation, contingent upon the developer satisfying the following conditions             1) If authorization is granted by the Board of Works, provide a landscape screen along the south property line. Such screen to be approved by CD&amp;P's Landscape Architect. (This requirement shall be void if authority can not be obtained.)             2) Provide a restrictive covenant, in a form acceptable to the Commission's attorney, that will limit access to Grant Street or the northerly alley only. No access will be allowed from Washington Blvd., however the petitioner may reserve the right to appeal this restriction in the future.             Motion carried.         </td> <td><b>Staff Recommendation</b></td> <td> <input checked="" type="checkbox"/> For      <input type="checkbox"/> Against             Reason Against         </td> </tr> <tr> <td></td> <td><b>Board or Commission Recommendation</b></td> <td>           By   <input checked="" type="checkbox"/> For      <input type="checkbox"/> Against  <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions            (See Details column for conditions)         </td> </tr> <tr> <td></td> <td><b>CITY COUNCIL ACTIONS (For Council use only)</b></td> <td> <input type="checkbox"/> Pass      <input type="checkbox"/> Other  <input type="checkbox"/> Pass (as amended)      <input type="checkbox"/> Hold  <input type="checkbox"/> Council Sub.      <input type="checkbox"/> Do not pass         </td> </tr> </tbody> </table>			<b>DETAILS</b>	<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>	<b>Specific Location and/or Address</b>  904-908 Grant Avenue	<b>Sponsor</b>	City Plan Commission	<b>Reason for Project</b>  New Construction for a Warehouse	<b>Area Affected</b>	City Wide  Other Areas		<b>Applicants/ Proponents</b>	Applicant(s) AALCO Distributing Co., Inc. City Department  Other	<b>Discussion (Including relationship to other Council actions)</b>  <u>18 July 1988 - Public Hearing</u>  (See Attached Minutes of Meeting)	<b>Opponents</b>	Groups or Individuals  Basis of Opposition	Motion was made and seconded to return this ordinance to the Common Council with a DO PASS recommendation, contingent upon the developer satisfying the following conditions  1) If authorization is granted by the Board of Works, provide a landscape screen along the south property line. Such screen to be approved by CD&P's Landscape Architect. (This requirement shall be void if authority can not be obtained.)  2) Provide a restrictive covenant, in a form acceptable to the Commission's attorney, that will limit access to Grant Street or the northerly alley only. No access will be allowed from Washington Blvd., however the petitioner may reserve the right to appeal this restriction in the future.  Motion carried.	<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against		<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)		<b>CITY COUNCIL ACTIONS (For Council use only)</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
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**DETAILS**

Of the nine (9) members present eight (8) voted in favor of the motion, one (1) did not vote.

NOTE: This petition has been held until the conditions could be satisfied.

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start**

Date 15 June 1988

**Projected Completion or Occupancy**

Date 26 September 1988

**Fact Sheet Prepared by**

Date 26 September 1988

Patricia Biancaniello

Reviewed by



Date Sept. 26, 1988

**Reference or Case Number**

a. Change of Zone #353  
From R-3 to M-1  
904-08 Grant Avenue

A. W. Fruechtenicht, attorney for the petitioners AALCO Distributing Company Inc., appeared before the Commission. Mr. Fruechtenicht stated that AALCO Distributing is a beer and wine warehousing and distributor. He stated that it has been in business since 1949 and has been at its present location, at the corner of Washington and Grant since the early 1960's. He stated this business is locally owned and operated. He stated the reason for the request is that it has run out of room at its existing location and it must have additional warehousing space and it desires to build adjacent to its existing buildings. Mr. Fruechtenicht stated that immediately to the west of the property in question is a residence which the AALCO has the option to buy from the present owner, who is quite elderly, after he dies. He stated that this option has been extended to 1991. He stated that the owner of the adjacent property has, to his knowledge, raised no objection to the rezoning. He stated that immediately to the west of this property AALCO owns a vacant lot. He stated immediately south of the property in question, between Falstaff Brewery and Anthony Blvd., is the Lutheran Cemetery. He stated that to the immediate east of the property in question is the existing complex of AALCO Distributing Company facility, and next to AALCO is Franke Plating. He stated that north and northeast is zoned M-2, and being used for industrial. He stated by the Commission allowing the expansion of the AALCO Distributing, in this area, there is less of a chance that AALCO will be forced to seek a new suburban site and abandoned its existing site. He stated it is bulging at the seam and it must expand. He stated he felt there was nothing but positive reasons for allowing this rezoning and no negative reasons. He stated that the staff had recommended DO PASS with two conditions. One being that there be a landscape screen along the south property line, which would be Washington Street. The second is to provide a restrictive covenant in a form acceptable to the Commission's attorney that there is no access to and from Washington Blvd, limiting access to Grant Avenue only. He questioned why they were requiring a landscape screen. He stated that the only site of this area is that of across the street and that is the cemetery, no one else along this corridor has any landscape screening existing. He stated that they have no problem with providing some type of a screen along those areas where we will be putting parking. He stated that they would ask that they not require landscaping wherever they put a building, because the building that they intend to build is already very tight for space, the building has been designed, and they are asking that they not be asked to have it redesigned. He stated that by the Commission requiring 2 or 3 feet for landscaping, it will reduce the interior square footage of the building and will reduce the use of it. He stated that they need every inch of building space available. He stated that they will agree to cooperate with the city by landscaping city

owned property adjacent to their lots. He stated that with regard to limiting the access from Grant Street only, they need to get in from Grant Street and also from the alley behind. He stated that they had spoken with staff that day and felt that it was not intended to limit them from using the alley. He stated that he would ask the Commission not to require a permanent covenant as is proposed in this condition. He stated that they are willing to accept one that reads, "Any driveway access onto Washington Street shall only be as approve by the Fort Wayne Street Department or the Plan Commission". He stated that a permanent covenant could tie them up indefinitely. He requested that the Commission consider the modifications to the conditions.

Yvonne Stam questioned if the plans for the building had been submitted to the staff.

Mr. Fruechtenicht stated it had not been.

Ms. Stam questioned if it could be made available prior to the Business Meeting so that they could consider the landscape question that was raised.

Mr. Fruechtenicht stated he would do everything possible to get them a copy.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-88-07-15

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City  
of Fort Wayne Zoning Map No. R-14

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) No Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY \_\_\_\_\_  
Mark C. Giacinta CHAIRPERSON \_\_\_\_\_  
Charles B. Redd MARK E. GIAQUINTA \_\_\_\_\_  
David C. Long VICE CHAIRMAN \_\_\_\_\_  
Paul M. Burns CHARLES B. REDD \_\_\_\_\_

CONCURRED IN 10-11-88

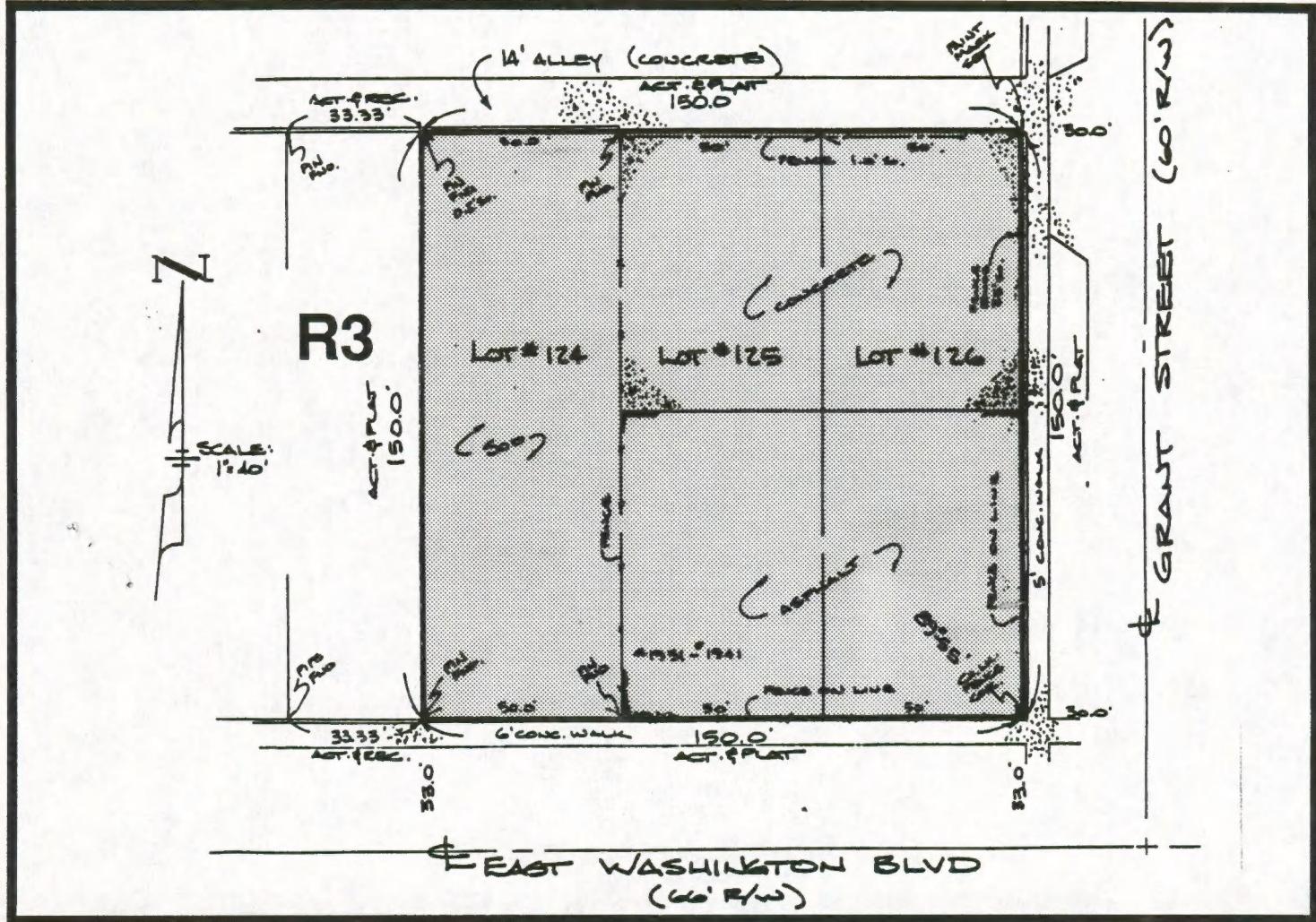
Sandra E. Kennedy  
City Clerk

# REZONING PETITION #353

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A M-1 DISTRICT.

MAP NO. P-6

COUNCILMANIC DISTRICT NO. 1



**ZONING:**

R3 RESIDENTIAL DISTRICT

**LAND USE:**

COMMERCIAL

**SCALE:** N.T.S.

**DATE:** 6-24-88

